

REMARKS

An Office Action was issued in the subject application on December 10, 2004, in which all of the claims (i.e., claims 22, 23, and 24) were rejected under 35 U.S.C. § 103.

Summarizing the amendments made to the application, a typographical error was corrected in the specification to accord the reference numerals in the drawings, and new claims 25–41 were added to more particularly claim and distinctly point out the subject matter which applicant regards as the invention.

Claims 22–41 remain in the application. Reconsideration and reexamination of the subject application in view of the amendments and the following remarks are respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 22–24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,834,999 to Kinman or U.S. Patent No. 5,811,710 to Blucher et al. in view of U.S. Patent No. 5,168,117 to Anderson.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,668,520 or 6,103,966 to Kinman in view of U.S. Patent No. 5,168,117 to Anderson.

Claims 22–24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,834,999 to Kinman or U.S. Patent No. 5,811,710 to Blucher et al. in view of U.S. Patent No. 3,657,461 to Freeman.

Applicant traverses these rejections.

Requirements for Obviousness

The Federal Circuit stated in *In re Oeticker* [977 F.2d 1443, 24 USPQ 2d 1443 (Fed. Cir. 1992)], “[i]f examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to grant of the patent.” The CCPA interpreted prima facie obviousness in *In re Lintner* [458 F.2d 1013, 173 USPQ 560, 562 (C.C.P.A. 1972)] as follows:

In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed substitution, combination or other modification.

In *In re Rinehart* [531 F.2d 1048, 189 USPQ 143 147 (C.C.P.A. 1976)], the CCPA added that the prima facie case requires that the teachings of the reference “appear to have suggested the *claimed subject matter*.” In view of these decisions, a prima facie case of obviousness is established when the Patent Office provides:

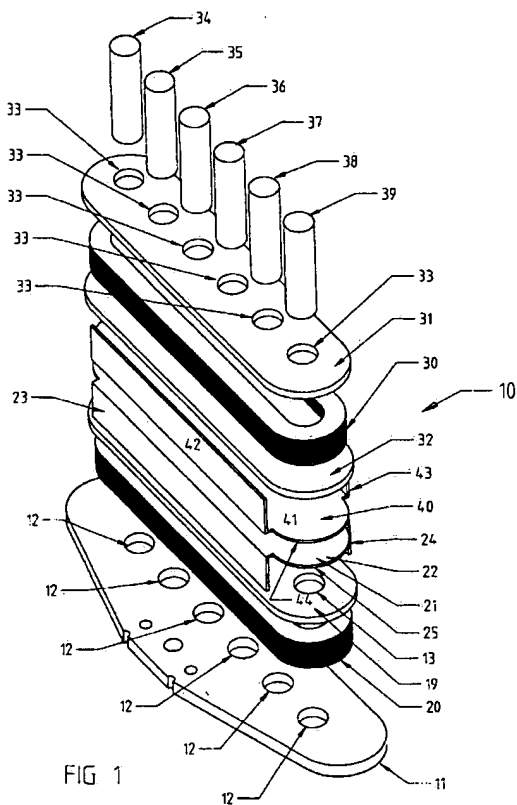
- a) one or more references
- b) that were available to the inventor and
- c) that teach
- d) a suggestion to combine or modify the references,
- e) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art.

If any one of these elements is not present, the prima facie case of obviousness is not established. In the instant case, it is respectfully submitted that the cited references, either alone or in any combination, fail to meet these requirements.

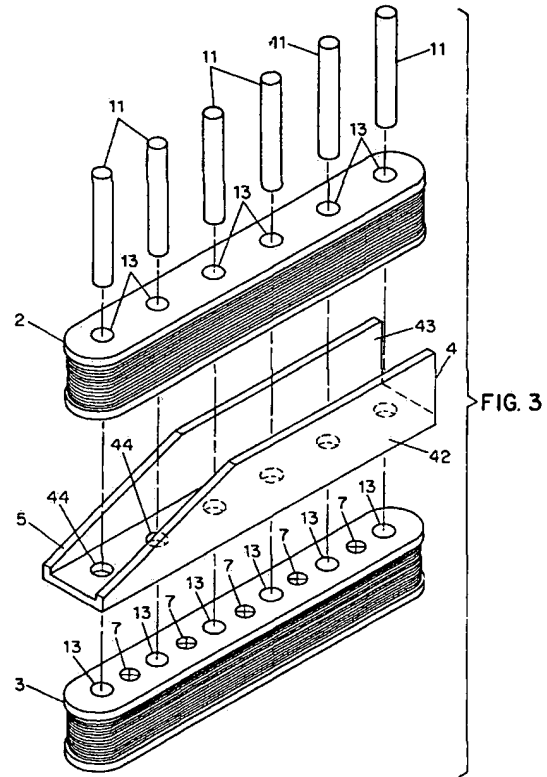
Cited Patents

U.S. Patent Nos. 5,668,520; 5,834,999; and 6,103,966 to Kinman each shows a

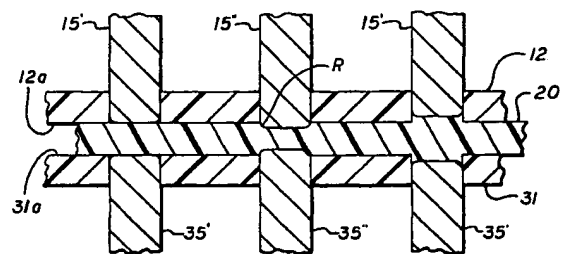
transducer 10 having magnetic pole pieces 34-39; a pair of coils 20 and 30 sandwiched between plates, and a pair of shields 21 and 40.



U.S. Patent No. 5,811,710 to Blucher et al. shows a pickup 1 with bobbins 2 and 3, coils 21 and 31, a plate 4, and magnets 11 (see column 3, lines 42–65, and FIG. 3).

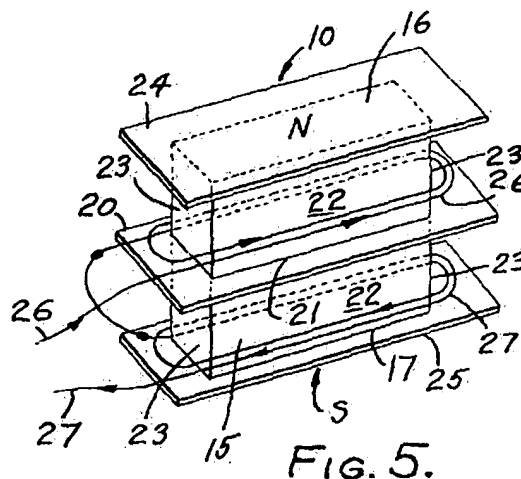


U.S. Patent No. 5,168,117 to Anderson shows a pickup with a flexible deformable magnet 20 (see column 4, lines 31 and 32) that deforms either to move out of the way of pole pieces 15" and 35" or to move into voids left by pole pieces 15' and 35' (see column 4, lines 24–31, and FIG. 5 at right).



U.S. Patent No. 3,657,461 to Freeman shows a single pickup 10 with a magnet 15, a divider plate 20, and fiber plates 24 and 25 (see column 2, lines 28–42 and FIG. 5).

Freeman states that the divider plate 20 by being formed of magnetic material maintains the coil 26 in the flux of the north pole of the magnet 15 and the coil 27 in the flux of the south pole of the magnet 15 (see column 3, lines 67–71).



The Claims

Independent claim 22 recites a pickup in which a single, uniformly completely flat non-magnetized ferromagnetic plate disposed between a pair of coils. Claims 23 and 24 depend on claim 22 and respectively recite additional features of the pickup.

Discussion of Errors in the Rejection

In contrast to the pickup of claim 22, not one of the cited references teaches or suggests a completely flat ferromagnetic plate. In making these rejections, the Patent Office concedes this deficiency in the Kinman and Blucher et al. patents. To overcome this lack of teaching, the Anderson patent has been cited. However, as shown in FIG. 5 of the Anderson patent and the corresponding description highlighted above, Anderson's flexible deformable magnet is certainly *not* flat. Rather, the flexible deformable magnet is bent and pushed by the pole pieces and is pulled into voids left by the pole pieces. As such, one skilled in the art would not look at the Anderson patent as providing any teaching or suggestion of a completely flat ferromagnetic plate.

Accordingly, it is respectfully submitted that Patent Office has not established a *prima facie* case of obviousness; that is, the Patent Office has failed to provide one or more references that teach a suggestion to combine or modify the references, with the combination or modification being sufficient to have made the claimed invention obvious to one skilled in the art.

Accordingly, any combination of the Kinman patents, the Blucher et al. patent, and the Anderson patent fails to teach a suggestion of how to combine or modify the references, the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Accordingly, it is respectfully submitted that the invention as set forth in claim 22, as well as claim 23 and 24 depending therefrom, would not have been obvious to one having ordinary skill in the art at the time the invention was made in view of the cited references, either alone or in combination, and that claims 22–24 are patentable.

NEW CLAIMS

New claims 25–41 have been added to more distinctly claim and particularly point out the subject matter which Applicant regards as the invention.

New independent claim 25 recites a pickup including:

- an upper bobbin being elongated along a longitudinal plane;
- a lower bobbin being elongated along the longitudinal plane;
- a single, uniformly flat non-magnetized ferromagnetic plate disposed between the bobbins and having opposing ends that are substantially parallel to the longitudinal plane.

New claims 26–34 depend from claim 25 and respectively recite additional features of this pickup.

New independent claim 35 recites a pickup including:

- a longitudinally elongated upper winding;
- a longitudinally elongated lower winding;
- a single, uniformly flat non-magnetized ferromagnetic plate disposed between the windings;
- the plate having opposing ends that are substantially parallel to the windings and that terminate approximately below the upper winding and approximately above the lower winding.

New claims 36–41 depend from claim 35 and respectively recite additional features of this pickup.

Each of the new independent claims includes the feature of a uniformly flat ferromagnetic plate. Analogous to the discussion above with regard to claim 22, it is respectfully submitted that the cited references, either alone or in any combination, fail to teach or suggest the pickups of

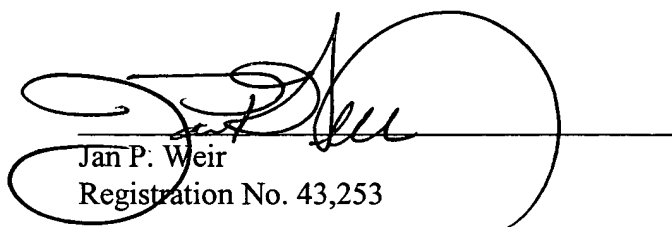
claims 25 and 35, as well as the claims respectively depending therefrom, and that the new claims are patentable and in condition for allowance.

Closing Comments

In view of the foregoing, it is respectfully submitted that the subject application, including claims 22-41, is in condition for allowance. Early notification of the same by the Patent Office is respectfully requested.

Respectfully submitted,

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